

Springerville Town Council
Minutes
October 7, 2009
6:00 p.m.

Council: Mary Nedrow, Mayor, Eric Baca Vice Mayor, Bill Lucas, Ron Thebeau and Phelps Wilkins

Staff: Steve West Town Manager, Val Cordova Town Clerk, Eduardo Coronado Legal Counsel,
Tom Malone, Public Works Director and Larisa Bogardus Community Development

Director

Public: Robert Mackenzie, Ron Cavanaugh, Phil Hansen Jr., Dan Muth, Suzie Silva and Jim Muth.

1. Mayor Nedrow called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

3. Public Participation: None

4. Manager, Council, and Chamber Reports:

Town Manager West reported we are getting a head start on the audit for last year and feels it will go more efficiently. Larisa has started the Safe Routes Walk to School programs again that we are hoping may help us look for money to get our trails system updated. We're finishing up a fencing project at the airport where the new hangar and there will be some personnel changes at the airport.

5. Consent Items:

Phelps Wilkins/Bill Lucas motion to approve consent items 5a-5b.
There was no discussion.

Vote:	Ayes:	Mary Nedrow
		Eric Baca
		Bill Lucas
		Ron Thebeau
		Phelps Wilkins

Old Business:

6. The Gate:

Mayor Nedrow stated there was nothing settled or decided on whether the Town owns this road and doesn't know why this is on the agenda until the road is settled.

Town Manager West agreed but noted that the gate belongs to the Town. In the future the council will have to decide on whether to remove the gate. The time to associate that is when ownership of the road is established and Mr. Muth and our attorneys are working on this.

Councilman Wilkins stated that he felt that worst thing they could doing is to continue opening and closing the gate. Personally, he thought they should wait until we establish ownership of the road and asked if we'd had a public hearing on the gate.

Mr. Muth address the council stating this is an Apache County highway called Springerville-Nutrioso State Route 260 that takes you from Highway 60 to State Route 260. He explained that when the previous town manager took a canvass of the people in 17 lots in Coalter Subdivision only 7 wanted the road closed. Numerous people were disregarded in other areas of town that wanted the road left open so they could use it. When this debate first started, it was because of there were a lot of people using the dirt road and there was a lot of dust. Years later it's been paved and there is no dust issue. He said he is paying taxes for our roads and this road doesn't belong just to them is his road as well. He noted that the cost to chip seal this road was \$64,000 from HURF funds in the Town's general fund. With that type of expenditure we should all have a right to drive on that street. The ownership of the road is conclusive, today it's a county

highway and the process the town manger spoke about is a request from the town council asking the county to relinquish their easement to the Town of Springerville. The ownership is insignificant.

Mayor Nedrow explained that the road was closed prior to her taking a seat on the council and didn't know the reason for the closure but it was closed again when she got on the council because of the dust.

Councilman Thebeau stated that they had no right to close a county road. If we are going to close a road for dust and speed then we need to close a lot of roads. It was an arbitrary thing for the past council to close it and he thought they should open the road. The report is contradictory on its face but it's wrong.

Councilman Lucas said he wouldn't make a judgment on the prior council decision but would personally like to see that they have the opportunity to act on it. His perspective is that this is a Town gate regardless of who owns the road and they as the council have the authority to either retain it or take it down and would like to have the opportunity to act on it and listen to public comments.

He was asked to clarify taking public comments. Councilman Lucas said he didn't want special advertising just take comment in the meeting.

Vice Mayor Baca stated the council needs to make a decision on the facts they have. He disagreed that taking public comments would just stir up a lot more controversy. The council needs to make a decision based on the facts they have in front of them. He stated that he wished Mr. Muth would have addressed this issue from the Town's purpose then having clients interested in opening the road. He said he agreed that the previous council had no right to close a street that the public drives on. Closing roads because of dust and speeders sets precedence for others to talk to their neighbors and ask for their road to be closed.

Mr. Muth stated he wanted to clarify that he doesn't recall saying he was doing this on behalf of a client.

Councilman Baca said this was a bad assumption but it doesn't have anything to do with the issue at hand. In reviewing the information given to them, closing the gate didn't benefit the Town.

Town Manager West said it's hard to prejudice the how and why of what a previous council did unless you were there. We need to look t the future and give direction on how you want this back on the agenda as a discussion and action, discussion and action or just action.

Councilman Baca said it should be an action item on the next agenda.

Town Manager West noted that with the opening of the gate there litigation will come.

Councilman Thebeau said the previous council made a mistake in closing a county road and he isn't afraid of being sued.

Mayor Nedrow answered that it isn't a fear of being sued but the cost to the Town.

Town Manager West clarified that the council wanted this on the next agenda as an action item. They agreed.

7. Proclamations: 1) Proclaiming October 7, 2009 as Official International Walk to School Day
2) Proclaiming the month of October as International Walk to School month. .

Bill Lucas/Phelps Wilkins motion to proclaim October 7, 2009 as Official Walk to School Day and the month of October as International Walk to School month.

Vote:	Ayes:	Mary Nedrow
		Eric Baca
		Bill Lucas
		Ron Thebeau
		Phelps Wilkins

8. Proclamation: Discussion and action regarding designating the month of October 2009 as Community Planning Month.

Town Manager West acknowledged the members of the Planning and Zoning Commission and presented Certificates of Appreciation for sitting on the Commission.

Discussion:

Councilman Lucas applauded the commission as well for their services.

Bill Lucas/Ron Thebeau motion to proclaim October as Community Planning Month.

Vote:	Ayes:	Mary Nedrow
		Eric Baca
		Bill Lucas
		Ron Thebeau
		Phelps Wilkins

9. Resolution 2009-010:

Eric Baca/Phelps Wilkins motion to adopt resolution 2009-010 proclaiming the month of October 19-23, 2009 Arizona Cities & Town's week.

Discussion:

Councilman Thebeau asked if this was a State or annual event.

Town Manager West read the resolution and said this was sponsored by the League of Cities & Town's. This is a resolution recognizing Cities & Town's across Arizona for the services provided by the Town's annually. Instead of recognizing each city or town individually it's done across the State at one time.

Vote:	Ayes:	Mary Nedrow
		Eric Baca
		Bill Lucas
		Phelps Wilkins

Nays:	Ron Thebeau
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10. Apache County Local Emergency Planning Committee: Discussion and action regarding designating at least one elected council representative to participate on the Apache County LEPC and apply to be a voting member.

Discussion:

Councilmember Baca volunteered to represent the Town on the LEPC.

Bill Lucas/Mary Nedrow motion to appoint Eric Baca as representative on the Apache County Local Emergency Planning Committee.

Vote:	Ayes:	Mary Nedrow
		Eric Baca
		Bill Lucas
		Ron Thebeau
		Phelps Wilkins

11. Municipal Property Corporation: Discussion and action regarding appointing Mary Nedrow as a member to the MPC and Steve West as Statutory Agent for the MPC.

Bill Lucas/Phelps Wilkins motion to appoint Mary Nedrow as a member to the MPC and Steve West as Statutory Agent for the MPC.

Vote:	Ayes:	Mary Nedrow
		Eric Baca
		Bill Lucas
		Ron Thebeau
		Phelps Wilkins

12. Adjournment:

Bill Lucas/Eric Baca motion to adjourn the meeting at 6:35p.m.

Vote:	Ayes:	Mary Nedrow
		Eric Baca
		Bill Lucas
		Ron Thebeau
		Phelps Wilkins

Mary Nedrow, Mayor

ATTEST:

Town Clerk

I hereby certify that the foregoing is a true and correct copy of the minutes of the Springerville Town Council in regular session on Wednesday, October 7, 2009. I further certify that the meeting was duly called and a quorum was present.

Dated this 14th day of October, 2009

Town Clerk